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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/697,736

10/29/2003

Eugene Joseph Pancheri

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01/08/2007

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EXAMINER

LU, JIPING

ART UNIT

PAPER NUMBER

3749

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

01/08/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/697,736	PANCHERI ET AL.	
	Examiner	Art Unit	
	Jiping Lu	3749	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-16 and 18-25 is/are pending in the application.
- 4a) Of the above claim(s) 11-16 and 18-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Group I, claims 1-4, 6-10 in the reply filed on 10/6/06 is acknowledged. The traversal is on the ground(s) that claims of Group I and Group II are not restrictable as combination and subcombination. This is not found persuasive because the applicant merely argued that the examiner's example was same as the applicant's. However, this may be true but the claimed subcombination does possess a different use, e.g. treatment of any sandy or particulate materials. If the applicant is willing to add all limitations of subcombination claims 11 and 21 in combination claim 1, then, the examiner will be happy to withdraw the restriction.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 11-16, 18-25 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 10/6/06.

Claim Objections

3. Claim 3 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 3 is not further limited to the independent claim 1 because the

Art Unit: 3749

term "integral" in claim 3 does not further limit the term "removably attached" as claimed in claim 1. They are inconsistent to each other. The terms are misdescriptive.

Claim Rejections - 35 USC § 102

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 1-2, 4, 6-10 are under 35 U.S.C. 102(b) as being anticipated by Staub et al (U. S. Pat. 5,980,583).

Staub et al show a system for treating fabrics comprising a fabric article drying appliance 12, a removable fabric article treating device 50-74, a heater (Col. 7, line 26) for heating benefit composition, a dispensing apparatus 50, and a door 18 (col. 5, lines 1-63; col. 7, lines 24-30 and Figs. 1-5) which are arranged same as claimed. As for the limitations, "wherein said benefit composition is heated by an exothermic reaction wherein said exothermic reaction is a metal oxidation reaction, a saturated salt reaction, or a combination thereof" in claim 1, last three lines and claims 6-10, they are viewed as functional or intended use limitations. As MPEP 2114 states, "[a] claim containing a "recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus" if the prior art apparatus teaches all the structural limitations of the claim". In this case, the limitations above do add not any structural limitations to the claims and Staub discloses all the structural limitations.

6. Claims 1-2, 4, 6-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Kenreich et al. (U. S. Pat. 3,180,037).

Kenreich shows a system for treating fabrics comprising a fabric article drying appliance (i.e. laundry drier, col. 1, lines 5-10), a fabric article treating device 21-31, a heater 20, a dispensing apparatus 131, a door (not shown, inherent for laundry drier) which are arranged same as claimed. The benefit composition is heated by the stream of heated air (col. 2, lines 20-25). As for the limitations, "wherein said benefit composition is heated by an exothermic reaction wherein said exothermic reaction is a metal oxidation reaction, a saturated salt reaction, or a combination thereof" in claim 1, last three lines, and claims 6-10, they are viewed as functional or intended use limitations. As MPEP 2114 states, "[a] claim containing a "recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus" if the prior art apparatus teaches all the structural limitations of the claim". In this case, the limitations above do add not any structural limitations to the claims and Kenreich et al. discloses all the structural limitations.

Claim Rejections - 35 USC § 103

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Staub et al (U. S. Pat. 5,980,583) or Kenreich et al. (U. S. Pat. 3,180,037).

The fabrics treating system of Staub et al or Kenreich et al. as above includes all that is recited in claims 3 except for the fabric article treating device is integral with the dryer closure structure. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the fabric article treating device of Staub et al. or Kenreich et al.

Art Unit: 3749

integral with the closure structure, since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. In re Larson, 144 USPQ 347,349 (CCPA 1965)

Response to Arguments


9. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jiping Lu whose telephone number is 571 272 4878. The examiner can normally be reached on Monday-Friday, 9:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, COCKS JOSIAH can be reached on 571 272-4874. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Jiping Lu
Primary Examiner
Art Unit 3749

J. L.